

ENTERED

September 25, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

SANDFORD F HOLMESLY,

Plaintiff,

VS.

PROGRESSIVE INSURANCE
COMPANY,

Defendant.

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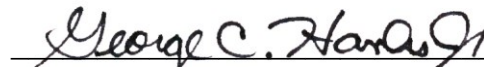
CIVIL ACTION NO. 3:17-CV-317

ORDER

The defendant's motion for a partial abatement (Dkt. 18) is **GRANTED** as follows:

The Court will abate, until further notice, the plaintiff's claims for violations of the Texas Deceptive Trade Practices Act and breach of the duty of good faith and fair dealing. The Court will *not* abate the plaintiff's claim for breach of contract or the plaintiff's claim that the appraisal award in this case must be set aside. *See TMM Investments, Ltd. v. Ohio Cas. Ins. Co.*, 730 F.3d 466, 471–72 (5th Cir. 2013) (describing the elements and burden of proof for a claim to declare an appraisal award invalid under Texas law).

SIGNED at Galveston, Texas, this 25th day of September, 2018.



George C. Hanks Jr.
United States District Judge